

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BEULAH JOHNSON,

Case No. 15-CV-1532 (MJD/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

CROOKSTON POLICE DEPT.;
MARSHALL OWEN JOHNSON, SR.;
BOBBI JOHNSON; MATTHEW, Employee
at Audobon Society - Chapter 800;
CHARLES, Chancellor of Minnesota State
University, Crookston, MN; MR. CHARLES,
Deacon or Minister, Church of Christ;
HERBERT CHRIS MUKES, Kingwood
Apts.; OWEN BENJAMIN JOHNSON; and
ELLIS LEWIS, JR., Minister, Church of
Christ,

Defendants.

Plaintiff Beulah Johnson commenced this action by filing a complaint seeking relief for alleged violations of her constitutional rights. Johnson did not pay the required filing fee for this case, but instead filed an application seeking leave to proceed *in forma pauperis*. See Docket No. 2. In an order dated March 26, 2015, this Court pointed out several deficiencies with Johnson's complaint and ordered that she file an amended complaint by no later than May 1, 2015, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Johnson has not filed an amended complaint. In fact, Johnson has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this

action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. Plaintiff Beulah Johnson’s application to proceed *in forma pauperis* [Docket No. 2] be DENIED AS MOOT.

Dated: May 6, 2015

s/Leo I. Brisbois

Leo I. Brisbois
U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by May 20, 2015**, a writing that specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections **by June 3, 2015**. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party’s right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.